



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Anthony Esochaghi,  
Assistant Planner, Atlantic County

Examination Appeal

CSC Docket No. 2019-3620

**ISSUED: DECEMBER 6, 2019**

Anthony Esochaghi appeals the determination of the Division of the Agency Services (Agency Services), which found that he was below the minimum requirements in education for a qualifying examination for Assistant Planner.

By way of background, the appellant was hired as an Assistant Administrative Analyst on August 29, 2005. In early August 2018, he challenged the classification of his position and shortly thereafter, on August 29, 2018, he was provisionally appointed to Administrative Analyst. In a determination dated December 28, 2018, Agency Services determined that the proper classification of the position was Assistant Planner, effective August 17, 2018. One month after Agency Services' determination, he was permentaly as an Administrative Analyst effective January 27, 2019 from the PC2781W eligible list, which promulgated on December 20, 2018. However, if the appointing authority wanted to effect Agency Services' recommendation to reclassify the appellant's position to Assistant Planner, because Administrative Analyst and Assistant Planner are in the same class code (23), it would be necessary to provisionally appoint him to Assistant Planner pending a qualifying examination. For reasons unclear in the record, the appellant's title was not laterally changed until May 5, 2019. Therefore, Agency Services conducted a qualifying examination and in its May 31, 2019 determination, found that the appellant failed the qualifying examination as he did not meet the educational requirements. Specifically, he did not possess 21 college credits in professional planning subjects. Accordingly, he was returned to his permanent title of Administrative Analyst effective May 31, 2019.

The requirements for Assistant Planner are one year of professional experience in municipal, county, regional, or State planning, and possession of a Bachelor's degree from an accredited college or university, including or supplemented by 21 college credits in professional planning subjects. Applicants who did not possess the required education could substitute a current and valid license as a Professional Planner in New Jersey issued by the New Jersey Board of Professional Planners, or a current and valid credential as a Certified Planner issued by the American Institute of Certified Planners (AICP). On his qualifying examination application, the appellant indicated that he possesses a Master's degree in Project Management. He was credited with more than ten years of applicable experience in his Assistant Administrative Analyst and Administrative Analyst positions back to his initial appointment in 2005, and found to be lacking 21 college credits in professional planning subjects. As he did not meet the minimum requirements, he did not pass the qualifying examination for the subject title.

On appeal, the appellant argues that he has worked for Atlantic County for 13 years, performing a wide variety of professional planning work in various research and analytical duties associated with planning functions, operations and program activities. Specifically, he indicates that he has been working out-of-title performing assigned planning duties for over a decade, with no issues. He states that over the years he has been assigned incremental additional planning duties with higher difficulties or increased technical demands.

The appellant provides the requirements to take the American Institute of Certified Planners (AICP) examination, which include:

- Be a current member of the American Planning Association (APA).
- Be engaged in professional planning, either currently or in the past, as defined by AICP.
- Have completed, at the time of application submission, one of the combinations of education and corresponding years of professional planning experience listed in the chart below: ...

Any post-graduate, graduate, or undergraduate degree – 4 years.

Also, AICP requires employment verification letters to verify the professional planning experience on the application. Letters must be signed, on department/company letterhead, and should come from either an immediate supervisor or principal of the firm, if still employed at the company/firm, or human resources department if your supervisor is no longer employed with the company. This is not a reference letter, and must include name, APA ID number (provided by the employer), position/title, dates of employment, and a brief summary of duties as a professional planner. The appellant indicates that a senior management member told him that the department will only write the verification letter for AICP if the Civil Service Commission (Commission) approves his title as Assistant Planner.

He argues that he has been consistently denied promotions as his duties are in planning, which is not reflected by his title.

## CONCLUSION

*N.J.A.C. 4A:4-7.6(c)* provides, in pertinent part, that if the nature of the work, education and experience qualifications of both titles are dissimilar for a lateral title change, then the employee shall be appointed pending examination. An employee who fails the examination shall be restored to his permanent title.

*N.J.A.C. 4A:3-3.4* provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds.

*N.J.A.C. 4A:3-3.5(a)* states that when the duties and responsibilities of a position change to the extent that they are no longer similar to the duties and responsibilities set forth in the specification, and the title is no longer appropriate, the Commission shall reclassify the position to a more appropriate title if there is one.

At the outset, there is a sharp distinction made between a position and an incumbent. A position consists of a group of currently assigned duties and responsibilities requiring employment of one person, while an incumbent is an individual occupying a position. It is not in dispute that the appellant does not possess 21 college credits in professional planning subjects, or that the proper classification of this position is Assistant Planner. The crux of these circumstances rests on the assignment of out-of-title work to an individual who did not meet the minimum qualifications for the position. After a classification review resulting in a reclassification to the subject title, and a qualifying examination which the appellant failed, the end result is that the position remains misclassified. This would not be a large concern had it occurred in the first few years of employment, as actions could have been taken to rectify the circumstances. However, the appellant is not a new employee, having been hired in 2005 into the Planning Department, and performing planning related duties since that time. The appellant's submissions in this appeal suggest that he never performed the duties of Assistant Administrative Analyst or Administrative Analyst during time he served in those titles. Thus, the appellant's initial appointment appears to be premised on a misclassification, which is a serious circumvention of Civil Service law and rule. Moreover, the appellant's position continued to be misclassified until his appeal in 2018, and as he does not meet the minimum qualifications for the title, he was returned to his permanent title of Administrative Analyst and is still misclassified.

With this appeal, the Commission is faced with balancing the proper application of rules and fairness to the appellant. The appellant clearly did not meet the educational requirements of the title. However, the appellant claims that management will not write a verification letter for AICP while his position is misclassified, while still assigning out-of-title work. This is untenable. Therefore, in order to affect the proper classification of the appellant's position, the Commission accepts the appellant's years of service in planning in lieu of 21 college credits in professional planning subjects on this one-time basis. This is based on unique extraordinary circumstances and is not to be used as precedent for any other proceeding. Additionally, the appellant is encouraged to pursue completion of 21 college credits in professional planning subjects, or to pass the AICP examination, as any exceptions may not follow the appellant through subsequent promotional examination opportunities. The appellant's official record should be changed to reflect a PAQ appointment to Assistant Planner, effective August 17, 2018, as ordered by Agency Services, and RAQ on May 31, 2019.

### ORDER

Therefore, it is ordered that this appeal be granted.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 4<sup>TH</sup> DAY OF DECEMBER, 2019

*Deirdre' L. Webster Cobb*

---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

- c. Anthony Esochaghi  
Dennis Levinson  
Kelly Glenn  
Records Center